

**REMARKS**

Claims 1-19 are pending in this application. By this Amendment, claims 1, 5, 9 and 14 are amended. These amendments are supported by Applicants' specification at least at, paragraphs [0136] and [0203] of the publication of this Application (U.S. Application Publication No. 2003/0103762 A). No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-17 and 19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,118,572 to Kostecki. This rejection is respectfully traversed.

Claim 1 recites, among other features, a functional layer formed on one side of the image record layer, having a function of transmitting the exposure light and having 10% or less in visible light transmittance. Claims 5, 9 and 14 recite similar features.

Kostecki teaches at, *e.g.*, col. 2, lines 39-44, a photoelectrochromic device wherein the light-absorption process produces charge carriers in a photoactive layer and the coloration process occurs through a redox reaction in a separate electrochromic layer. Further, Kostecki teaches at, *e.g.*, fig. 7, the transmittance of the colored electrode and bleached electrode in the photoactive layer. In the visible region between 400nm and 700nm (Handbook of Optics Volume I second edition, section 26.3 first paragraph, McGraw-Hill, Inc ©1995) Kostecki teaches the transmission above 10% for all of the films shown. Thus, Applicants respectfully assert that Kostecki does not teach the electrochromic layer having 10% or less in visible light transmittance.

The Office Action asserts that substrate 12 and enclosure 20 of Kostecki, correspond to a functional layer formed on one of both sides of the image record layer and having a function of transmitting the exposure light and a function of shielding visible light. Kostecki teaches at, *e.g.*, col. 5, lines 51-59 that substrate 12 is translucent, and does not disclose any

light property for enclosure 20. Thus, Applicants respectfully assert that Kostecki does not teach that substrate 12 and enclosure 20 have 10% or less in visible light transmittance.

For at least the foregoing reasons, Applicants respectfully assert that Kostecki cannot reasonably be considered to teach the combinations of all of the features positively recited in claims 1, 5, 9 and 14. Further, Kostecki cannot reasonably be considered to teach, the combinations of all of the features recited in claims 2-4, 6-8, 10-13, 15-17 and 19 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-17 and 19 under 35 U.S.C. § 102(b) as being anticipated by Kostecki are respectfully requested.

The Office Action rejects claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Kostecki in view of U.S. Patent No. 4,223,308 to Baraff. This rejection is respectfully traversed.

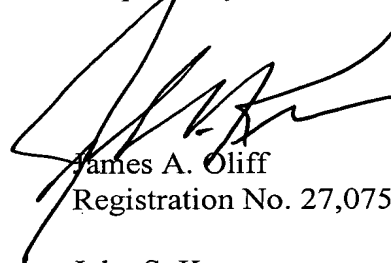
The Office Action concedes that Kostecki does not teach each of the first and second image record layers has a display layer made of a cholesteric liquid crystal whose optical characteristic changes upon application of voltage for recording a visible image. The Office Action asserts that Baraff remedies these shortfalls of Kostecki. As argued above, Kostecki cannot reasonably be considered to have suggested the combination of all of the features recited in claim 14 Baraff as applied to claim 14 does not remedy these shortfalls of Kostecki. Therefore, Applicants respectfully assert that the combination of Kostecki with Baraff cannot reasonably be considered to have suggested the combination of all of the features recited in claim 18 for at least the dependence of this claim on allowable base claims, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Kostecki in view of Baraff are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

John S. Kern  
Registration No. 42,719

JAO:MIL/add

Date: March 20, 2009

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--